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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,619	04/10/2004	Karl-Ludwig Kimmig	0816 B US	8950
20676	7590	09/20/2005	EXAMINER	
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			RODRIGUEZ, SAUL	
			ART UNIT	PAPER NUMBER
			3681	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,619

Applicant(s)

KIMMIG ET AL.

Examiner

Saúl J. Rodríguez

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the RESPONSE TO ELECTION REQUIREMENT filed July 7, 2005.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

Applicant's election without traverse of Figs. 1 and 2 in the reply filed on July 7, 2005 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

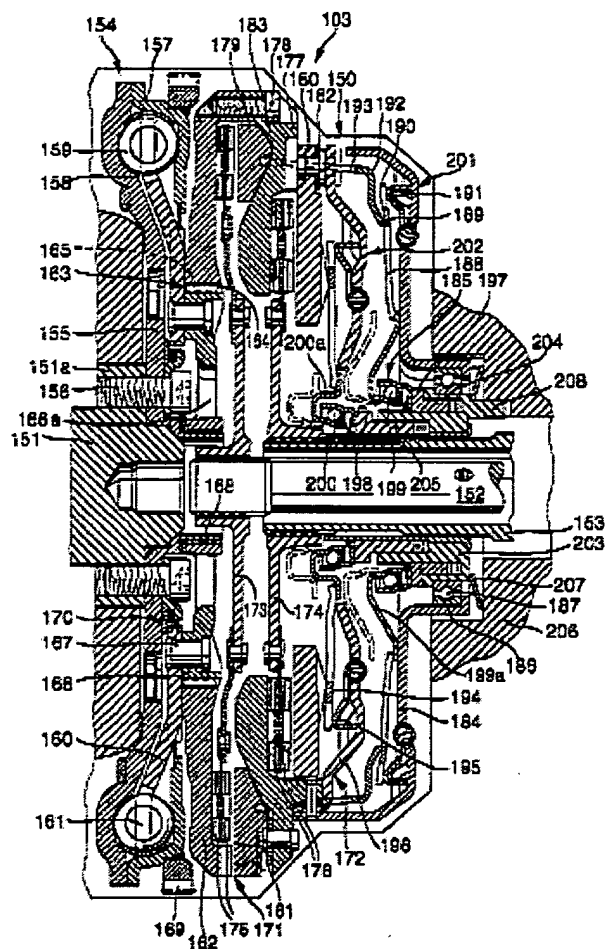
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8-9, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Beneton et al. ('118).

Beneton discloses a repeatedly engageable and disengageable friction clutch comprising a housing (184, 196), a predetermined axis (152), pressure plates (179, 180), prestressed/predeformed (paragraphs 58, 64, and 80) diaphragm springs (188, 194) with an annular portion and tongues (paragraph 55), a ring shaped supporting portion, tensioning means, tensioning means (interference between diaphragm and clutch housings), wear compensating means (201, 202), first and second ring shaped fulcrums (189, 191, 194, 195), first and second annular portions, means for disengaging the clutch and means for deforming the diaphragm spring (185), and leaf springs (181, 182).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beneton et al. ('118) in view of Després ('771).

Beneton do not show means for preventing relative movement comprising a plurality of rivets. Després discloses a plurality of rivets (50) for interfering and deforming/prestressing a diaphragm spring (12) with tongues and a main portion. Després also teaches fixing the rivets to the pressure plate (Fig. 3, 4, 8, 10, 12, 13, 14, 15, 16), enlarged portions (Fig. 17, 18) for meeting the diaphragm spring, and cylindrical bodies extending through tongues (Fig. 17). Then, it would have been obvious to modify the device of Beneton in view of Després to include a abutment system having rivets to allow easy adjustment of the pre-stressing arrangement.

FIG. 18

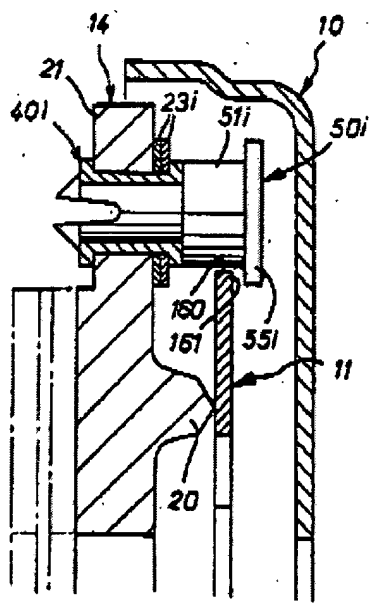
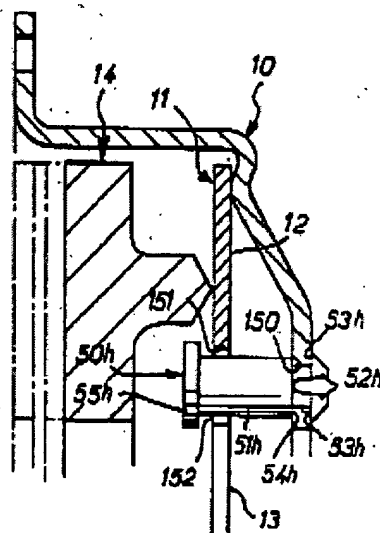


FIG. 17



Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beneton et al. ('118) in view of Maucher ('818).

Beneton et al. does not disclose the specifics of the wear compensating arrangement with a resilient back support. Maucher, on the other hand, discloses a repeatedly engageable and disengageable friction clutch comprising a housing (2), a predetermined axis (X), a pressure plate (3), a stressed/deformed (Col. 8, line 59) diaphragm spring (4) with an annular portion and tongues (Fig. 12), a ring shaped supporting portion, tensioning means, tensioning means (inner circumference of cover), wear compensating means (16), first and second ring shaped fulcrums (Fig. 2), first and second annular portions, means for disengaging the clutch and means for deforming the diaphragm spring (not shown), and leaf springs (9), friction liners.(7), resilient back support (10), at least one resilient sensor (13), and characteristic curves (Figs. 8-11).



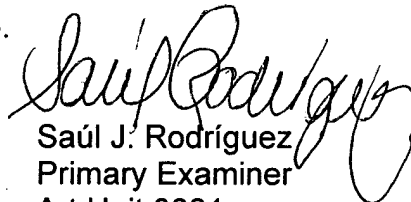
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Courbot ('233), Hays ('991), Taketani ('226), Weidinger et al. ('067), and Weidinger ('180) disclose other clutch assemblies having pre-stressing arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saúl J. Rodríguez whose telephone number is (571) 272-7097. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SJR


Saúl J. Rodríguez
Primary Examiner
Art Unit 3681